



AGING & DISABILITY RESOURCE CENTER

Of Jefferson County

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Ethical Considerations for Elder Benefit Specialist Program

May 2018 Press Release -submitted by Denise Grossman, Elder Benefit Specialist

The Wisconsin Legislature created the Elder Benefit Specialist (EBS) Program in the late 1970s as a unique way to provide legal advocacy services to older residents of the state. The EBS program is funded with a combination of local, state, and federal funds. At least one Elder Benefit Specialist (EBS) serves every Wisconsin county and tribe. EBSs provide free legal services and advocacy to residents who are at least 60 years old. Their services are specifically targeted to rural, low-income, and minority older populations who have not traditionally had access to legal assistance.

General Program Areas

EBSs receive in-depth, ongoing training in the following areas:

- Medicare
- Medicaid
- Social Security Retirement and Disability
- Supplemental Security Income (SSI)
 - FoodShare
 - Housing
- Consumer debt
- Health Insurance

Specific Program Services

Within these general program areas, EBSs engage in a wide variety of services including:

- Providing information about eligibility criteria;
- Helping with applications for a wide range of public benefits;
- Appealing application denials, terminations, or reductions in benefits;
- Seeking initial reviews of agency decisions; and
- Advocating at administrative appeals level.

EBSs as Advocates

The purpose of Wisconsin's EBS program is to provide broad access to public benefits and legal rights to older persons throughout the state. An EBS's most important role is as an **advocate** for older people. In this role, the EBS owes his or her entire devotion to the interests of the client. EBSs strive to promote and preserve the autonomy, dignity, independence and financial security of clients.



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The ethical guidelines of the EBS program help EBSs serve their client's interests. These ethical guidelines come from a variety of sources, including the Older Americans Act and the Wisconsin Supreme Court's Rules of Professional Responsibility for attorneys.

Three Key Concepts

The following are the three key ethical concepts that govern the EBSs in their work:

- 1. Identifying the Client** - *The client is always an older person and is never an older person's family member, concerned neighbor, medical provider or any professional in the community who is assisting an older person.* EBSs cannot work with anyone other than a client in a case unless a client makes clear that involving a third party is appropriate. This ensures that clients have the freedom to determine what is in their own best interests.
- 2. Client-Centered Solutions** - *EBSs cannot take any action that will limit a client's right to self-determination.* Clients must make the final decisions necessary to find solutions to specific issues. The role of the EBS is often to provide all of the options for the client to choose from.
- 3. Ensuring Confidentiality** - *EBSs can never discuss a client's case with a third party unless a client agrees to such communication.* EBSs operate under strict confidentiality rules. The underlying issue is that effective legal assistance and representation requires clients to disclose detailed financial, medical, and personal information to the EBS. Without the guarantee of confidentiality, the client would be reluctant to provide such information.

How to Make Referrals to the EBS Program

If you know someone who might benefit from the services provided by an EBS, *you should have the older individual contact the benefit specialist directly.* Even though EBSs engage in general outreach activities throughout their communities, they are **prohibited from cold calling** older individuals who have not requested program services, regardless of the referral source. This preserves the confidentiality of the older person and supports his or her autonomy to make a decision about whether to become a client of the program.

If you have questions on this topic or other benefit related issues, for Jefferson County residents age 60 or over may contact the Elder Benefit Specialist at the Aging and Disability Resource Center 920-674-8734.